

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

The Lincoln National Life Insurance)	C/A No.: 6:09-666-HFF
Company, f/k/a Jefferson Pilot Financial)	
Insurance Company,)	CONSENT ORDER DISMISSING
)	DEFENDANT DEBORAH K.
Plaintiff,)	MARLER’S FIRST COUNTERCLAIM
)	WITHOUT PREJUDICE
vs.)	
)	
Ann R. Marler, Christopher G. Marler, Jr.,)	
and Deborah K. Marler,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon joint motion of the Plaintiff and Defendant Deborah K. Marler, pursuant to Rule 41(a)(2)(c), for the dismissal of Defendant Deborah K. Marler’s First Counterclaim against the Plaintiff concerning a claim for benefits under Industrial Recovery and Recycling, Inc.’s Accidental Death and Dismemberment (“AD&D”) plan without prejudice. The grounds for this motion are that Defendants have not exhausted their administrative remedies with respect to the AD&D claim, and that this appeal is ongoing.

NOW, THEREFORE, upon the joint motion of the Plaintiff and Defendant Deborah K. Marler, and for good cause shown,

IT IS HEREBY ORDERED that Defendant Deborah K. Marler’s First Counterclaim against the Plaintiff as to the AD& D plan be dismissed without prejudice.

s/Henry F. Floyd
Henry F. Floyd
UNITED STATES DISTRICT JUDGE

April _24___, 2009
Spartanburg, South Carolina

WE SO CONSENT:

s/ Theodore D. Willard , Jr.

Theodore D. Willard, Jr.

Federal I.D. No.: 5136

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